IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Date: February 14, 2007

Satoshi HADA, et al.   Confirmation No. 9214

Serial No: 10/651,691   Group Art Unit: 2168

Filed: August 29, 2003   Examiner: Dangelino N. GORTAYO

For: METHOD AND SYSTEM FOR PROVIDING PATH-LEVEL ACCESS
        CONTROL FOR STRUCTURED DOCUMENTS STORED IN A DATABASE

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST

Dear Sir or Madam:

In the present application, independent claim 1 has been rejected under 35 U.S.C.

§ 102(b) as being anticipated by "A Fine Grained Access Control System for XML Documents"

by Ernesto Damiani, et al. (hereinafter "Damiani").

Claim 1 recites "generating a value expression for each path based on at least one of the

plurality of access control rules, wherein the value expression is an executable statement utilized

during access control evaluation to determine whether a user is allowed to access a node in the

structured document." In the final Office action, the Examiner states:

> a.   Applicant's argument is stated as Damiani does not disclose that
> "access authorization" is an executable statement.
> In response to the argument, Examiner respectfully disagrees. In the
> Damiani reference, the access authorization is provided by an access authorization
> made up of a subject, object, action, sign, and type columns. When a client

wishes to access an object, the path expression is read from the table. Using Algorithm 6 on page 189, the computer view reads in the data from the access authorization table to determine the view to be returned to a user. The sign indicates a denial or allowance of access by a subject to an object indicated by the path expression. The data from the access authorization table is read in to be executed by the algorithm, and resembles an executable statement. Therefore, Damiani teaches that "access authorization" is an executable statement.

      b.   Applicant's argument is stated as Damiani discloses an access authorization as both a value expression and the access control rule recited in claim 1, and cannot be construed as disclosing both elements of claim 1.

      In response to the argument, Examiner respectfully disagrees. As outlined above, the value expression is disclosed in Damiani is being composed of the subject and sign column of the table, which are read into an algorithm to determine the view given to a user, based on access authorization. The access authorization table controls the access control policy of the system, and within the access authorization table, each row represents an access control rule each subject, or client, follows with respect to access authorization. The value expression is disclosed above to be the individual data points within the table, while the access control rule is disclosed to be a row of the access authorization table determining access rules for a subject. Therefore, Damiani discloses the access authorization table being an access control policy of claim 1, composed of rows of access control rules and containing value expressions to be executed by an algorithm to determine access authorization.

(November 14, 2006 final Office action, pgs. 15-17).

Based on the Examiner's comments in the final Office action, the Examiner appears to be construing the reading of the values under the "Subject" and "Sign" columns of each row of the table on page 186 of Damiani into the algorithm on page 189 of Damiani as the "value expression" recited in claim 1.

Although the Examiner is entitled to a reasonably broad interpretation of the claim terms, the Examiner cannot select an interpretation that is contrary to the accepted meaning of a term by those of ordinary skill in the art. "The broadest reasonable interpretation of the claims must . . . be consistent with the interpretation that those skilled in the art would reach," M.P.E.P. § 2111, citing *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999).

Persons of ordinary skill in the art would not interpret the values under the "Subject" and "Sign" columns of each row of the table on page 186 of Damiani as an "executable statement." In addition, persons of ordinary skill in the art would not interpret the mere reading of the values under the "Subject" and "Sign" columns of each row of the table on page 186 of Damiani into the algorithm on page 189 of Damiani as somehow transforming those values into an "executable statement."

Since the values under the "Subject" and "Sign" columns of each row of the table on page 186 of Damiani and the reading of the values under the "Subject" and "Sign" columns of each row of the table on page 186 of Damiani into the algorithm on page 189 of Damiani cannot be interpreted as an "executable statement," Damiani clearly fails to disclose "generating a value expression for each path based on at least one of the plurality of access control rules, wherein the value expression is an executable statement utilized during access control evaluation to determine whether a user is allowed to access a node in the structured document," as recited in claim 1. Therefore, the rejection is improper because a prima facie case of anticipation has not been established.

Respectfully submitted,

SAWYER LAW GROUP LLP

Dated: February 14, 2007

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